

REMARKS

Responsive to the Office Action dated September 3, 2008, Applicants have cancelled all of the previously pending claims and submitted new claims 70-121, which include independent claims 70, 105, 118, 119, and 120.

In the final Office Action, claims 1, 3, 5-8, 11-16, 19-30, 32-33, 36-39, 41-44, 51-53, 55-63, and 69 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,931,633 (Vazquez et al.). Claims 4, 10, 17, 18, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vazquez et al. in view of U.S. Patent No. 6,915,273 (Parulski et al.).

As noted in the Remarks in the Response filed on May 26, 2008, for example, at the bottom of page 16 thereof, Applicants note that Vazquez et al. do not seem to sufficiently support the assertions made in the rejections. At page 18 of the same Response, Applicants quoted the portion of Vazquez et al. relied upon to support the rejections, particularly column 7, lines 23-28, which states:

“...the memory medium may be located in a first computer in which the programs are executed, or may be located in a second different computer which connects to the first computer over a network, such as the Internet. In the latter instance, the second computer provides the program instructions to the first computer for execution...”

Applicants pointed out that each of the independent claims pending at that time, i.e., claims 1, 19, 39, 51, and 69, recited, among other limitations, sending (in some claims) or receiving (in others), via a communications network, image data, an indication of a selected vision tool, and at least one vision tool parameter corresponding to the vision tool, from one computer to a remotely located other computer that includes the vision tool.

Applicants asserted that Vazquez et al. failed to teach these limitations, and that none of the references of record (including Parulski et al.), alone or in any proper combination, remedies these distinctions over Vazquez et al. The current Final Office Action is a repeat of the same rejections and thus seems to have the same problems asserted by Applicants in the May 26, 2008 Response. Accordingly, Applicants' representative contacted Supervisory Patent Examiner Wei Zhen, to seek a more constructive way to move along the prosecution of this case.

The Supervisory Patent Examiner suggested that limitations be added to the independent claims that more explicitly recite that the vision tools include certain types of vision tools, to further distinguish the claims from non-machine vision image processing systems. Accordingly, Applicants have submitted new claims, which include new independent claims 70, 105, 118, 119, and 120, each of which recites that the machine vision engine includes a set of individually selectable vision tools, having been configured to, when selected, carry out vision operations including pattern location. Various dependent claims further define the vision operations, for example, as including guidance, inspection, gauging, or identification. Other dependent claims further recite that the vision operations include a selectable guidance vision tool configured to, when selected, (i) obtain guidance operation vision tool parameters including a model pattern and alignment operation constraints, and (ii) carry out a corresponding guidance operation corresponding to the obtained guidance operation vision tool parameters. Other changes are also reflected in the newly submitted claims.

Each of the independent claims recites, among other limitations, either sending or receiving (depending on the claim) image data and corresponding vision tool parameters, the image data including at least one given image to be analyzed by selected one or more given vision tools.

As previously stressed by Applicants, Vasquez et al. teach, at most, the storing of code remotely, which may be brought into a local machine and executed in the local machine. In contrast, Applicants recite, for example, in independent claim 70, a computer including a vision tool parameters input configured to receive, at the computer, corresponding vision tool parameters corresponding to at least one of the selected one or more given vision tools. The claim further recites a transmitter configured to send, from the computer to a remote machine vision engine and via a communications network, (i) image data including at least one given image to be analyzed by the selected one or more given vision tools, and (ii) corresponding vision tool parameters.

Applicants submit that none of the references of record, including Vasquez et al. and Parulski et al., provides any teaching, which would properly support a combination/modification of references that includes these limitations.

The present application explains, for example, at page 2, lines 14-19, of the present Specification, that it is difficult for users to maintain machine vision systems in the field. For example, it may be challenging to update a machine vision system to a new version of software, or a new license, after it has been installed on a manufacturing production line. Moreover, customers wishing to test proprietary machine vision software on a particular part may not want to have to purchase and install the software and the associated licenses. The need to purchase and install the software and its associated licenses can therefore become a significant deterrent to "quick turn" software development.

Applicants have included limitations in the independent claims which help solve this problem recognized by Applicants.

Accordingly, Applicants submit that each of the claims now pending is patentable under 35 U.S.C. § 102 and § 103.

Applicants note that, Applicants' representative, during the telephone conversation with Supervisory Patent Examiner, asked if a Request for Continued Examination would be necessary in order for the Examiner to allow entry of the new claims. The Supervisory Patent Examiner indicated that a Request for Continued Examination would be necessary, but confirmed that the next Office Action will not be made Final, and that it would not be necessary for Applicants to await an Advisory Action refusing entry of the new claims in order to ensure that the next Office Action will not be made Final.

In view of the foregoing, reconsideration and allowance of the present application are respectfully requested. A Notice to that effect is earnestly solicited.

Should the Examiner have any questions concerning this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

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